



PATENT
Docket No. 203442102500
Client Ref. UM 1025

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Assistant Commissioner for Patents, Washington, D.C. 20231, on 6/28 1996.

Jennifer L. Taylor
Jennifer L. Taylor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Vishva M. Dixit

Serial No.: 08/404,832

Filing Date: 13 March 1995

For: CD40 BINDING COMPOSITIONS AND
METHODS OF USING SAME

Examiner: R.C. Hayes

Group Art Unit: 1812

**DECLARATION OF VISHVA M. DIXIT
PURSUANT TO 37 C.F.R § 1.131**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Vishva M. Dixit, declare as follows:

1. I am the sole inventor of the above-referenced patent application, and am familiar with the contents thereof.
2. I have reviewed the references cited by the Examiner under 35 U.S.C. §102, namely, Sato et al., *FEBS Letters* (1995) 358:113-118; Cheng et al., *Science* (1995) 267:1494-1498; and Mosialos et al., *Cell* (1995) 80:389-399, each of which is dated less than one year prior to the effective U.S. filing date of March 13, 1995. These references are alleged to show the

invention of claims 1 to 5 and 23 (renumbered as claim 22) as originally filed in the subject application.

3. The subject matter which I desire to claim does not correspond to a lost count in an interference and is not otherwise barred to the Applicant.

4. As is evident from the attached document (provided in an envelope to preserve confidentiality until such time as the patent issues and the file is open to the public), Applicant completed the invention in the United States prior to November 11, 1994.

5. As evidence of such, attached hereto is a manuscript submitted to the Journal of Biological Chemistry describing the isolation and characterization of the CD40 binding protein, fragments of the CD40 binding protein and compositions comprising the protein and its fragments. To the extent the invention is disclosed in the references cited against the claims under 35 U.S.C. § 102, the attached manuscript shows a conception and a reduction to practice of those embodiments, prior to the publication dates of the cited references. A showing of diligence is not required because the reduction to practice occurred prior to the publication dates of the references.

6. The date of acceptance stamped by the Journal of Biological Chemistry has been removed from this document. However, it is prior to November 11, 1994.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

6/26/96
Date

Vishva M. Dixit
Vishva M. Dixit